

REMARKS

Claims 1-32 are currently pending in this application. By this Amendment, claims 1, 2, 4-7, 17-21, and 31 have been amended, and claim 32 has been added. The amended claim set is provided herewith.

§ 112 Rejection of the Claims

Claims 1-16 have been rejected to as being indefinite under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

The Office Action notes, with regard to claims 1-16, that “it is unclear whether the list of specific definitions of terms, provided in the specification at paragraphs 23-32 defines claim terminology, or do these definitions not limit the claim terminology”. The definitions provided at paragraphs 0026-0035 of US 2005/0247470 are meant to define claim terms. For example, the terms and phrases “flexible”, “metal layer”, “extensible”, “crosslinked”, and “polymer” are defined at paragraphs 0028, 0029, 0030, 0031, and 0031 respectively, and are utilized in claim 1. Claims 1, 2, 4-7, and 17-21 have been amended to replace “metal or metal alloy layer” with “metal layer”, in order to make the claims more consistent with the definitions provided in the specification, because the specification (at paragraph 0029 of US 2005/0247470) defines metal layer as including metal or metal alloy layer. Applicant respectfully submits that the claims are clear in light of the specification. Withdrawal of this rejection is therefore respectfully requested.

The Office Action notes, with regard to claim 1, that “it is unclear whether the described structure involving a support, a metal layer, and a protective layer necessarily requires that the “extensible metal or metal alloy layer” is sandwiched by the support and protective layer or whether the three layers may be arranged having any one layer between the other two”. Although Applicant does not necessarily agree that it is necessary in order to render claims 1-16 clear, claim 1 has been amended to specify that “the extensible metal layer is disposed between the flexible support and the crosslinked polymeric protective layer”. Withdrawal of this rejection is therefore respectfully requested.

The Office Action notes, with regard to claim 5, that “it is unclear whether the second (or more) layer must be “extensible metal or metal alloy layer”. Claim 5 has been amended to more

fully clarify the subject matter of this claim. Withdrawal of this rejection is therefore respectfully requested.

The Office Action notes, with regard to claim 7, that “it is unclear what is meant by the phrase “one or more adjacent layers within the film”. Claim 7 has been amended to more fully clarify the subject matter thereof, and claim 32 has been added. Support for the amendment to claim 7 can be found at least in original claim 7 and at paragraphs 0047 and 0048 of US 2005/0247470. Support for newly added claim 32 can be found at least in original claim 7 and at paragraphs 0047 and 0048 of US 2005/0247470. Withdrawal of this rejection is therefore respectfully requested.

The Office Action notes, with regard to claims 1-16 that “it is unclear how to reconcile the requirements of a “permanently deformed curved region” and an “extensible metal or metal alloy layer”. From the specification, it can be seen that an “extensible metal layer” is a layer, **that when incorporated into a light-transmissive film or article** can be stretched by at least 3% in an in-plane direction without loss of electrical continuity and without forming visible discontinuities in the surface of the metal layer...” (paragraph 0030 of US 2005/0247470). The term extensible is defined in the context of the article, therefore the meaning of the terms is clear. Withdrawal of this rejection is therefore respectfully requested.

§ 103 Rejection of the Claims

Claims 1-3 and 7-14 have been rejected under 35 U.S.C. § 103 by Chapman, U.S. Patent No. 4,965,408. Applicant respectfully traverses this rejection.

Although the Applicant does not necessarily agree with this rejection, claim 1 has been amended to specify that the metal layer is from about 3 nm to about 50 nm thick. Support for this amendment can be found at least at paragraph 0042 of US 2005/0247470. Applicant will address the rejection of newly amended claim 1 (and the rejected claims dependent thereon, claims 2, 3, and 7-14) under 35 U.S.C. § 103 even though such a rejection has not been specifically raised herein.

Chapman fails to disclose or suggest a metal layer that has a physical thickness from about 3 nm to about 50 nm. Chapman utilizes a metal foil, and does not provide any information regarding the thickness. Therefore, Chapman does not disclose all of the elements of claim 1.

Furthermore, Chapman does not suggest all of the elements of claim 1. One of skill in the art would know that the metal foil utilized in Chapman is orders of magnitude thicker than about 3 nm to about 50 nm. Because Chapman is laminating the metal foil to the remainder of the structure, the foil is likely in the micrometer range. Example 2 of Chapman utilizes an electrically conducting seam backing foil, 3M® 1170 Tape. Although the 3M® 1170 Tape is not utilized as the metal foil in Chapman, but is instead utilized as the conductive seam-backing material, it can provide guidance regarding the thickness of a foil according to Chapman. According to product literature (submitted in an IDS herewith), 3M® 1170 Tape has an aluminum foil backing that is 2.0 mil thick. A thickness of 2.0 mil corresponds to 50.8 µm. Based on this example, one of skill in the art could assume that when Chapman uses the term “foil”, they are referring to a material with a thickness in the µm or 10’s of µm range.

One of skill in the art would not have been motivated to utilize a metal layer that is orders of magnitude thinner than that utilized in Chapman because it likely would not have been able to be laminated to the remainder of the structure. Applicant therefore respectfully requests that this rejection be withdrawn.

In view of the foregoing amendments, Applicants respectfully request reconsideration and allowance of the claims as all rejections have been overcome. Early notice of allowability is kindly requested.

The Examiner is respectfully requested to contact the undersigned by telephone at 651.259.6702 or by E-mail at anelson@cnwiplaw.com with any questions or comments.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 50-3964.

Respectfully submitted,

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